

**DECLARATION
Utility Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **TRANSPULMONARY SYSTEMIC COOLING USING LIQUID MISTS**, the specification of which

(Check One) ☒ is attached hereto OR
☐ was filed on _____ as United States Application Serial No. Not yet assigned or PCT International Application No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Date of Filing	Priority Claimed	
			Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.


Application Number(s)	Filing Date
60/535,230	January 9, 2004

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date	Status-Patented, Pending or Abandoned

Attorney Docket Information
046,846-010

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

201	FULL NAME OF INVENTOR	FIRST Name Denise	MIDDLE Initial R.	LAST Name Barbut	
	RESIDENCE & CITIZENSHIP	City New York	State or Foreign Country New York		Country of Citizenship USA
	POST OFFICE ADDRESS	70 East 77 th Street, 9C	City New York	State or Country NY	Zip Code 10021
INVENTOR'S SIGNATURE  DATE <u>2/25/04</u>					

202	FULL NAME OF INVENTOR	FIRST Name Jean	MIDDLE Initial	LAST Name Riess	
	RESIDENCE & CITIZENSHIP	City Falcon	State or Foreign Country France		Country of Citizenship France
	POST OFFICE ADDRESS	Les Gianines	City Falcon	State or Country France	Zip Code 06950
INVENTOR'S SIGNATURE _____ DATE _____					

203	FULL NAME OF INVENTOR	FIRST Name N.	MIDDLE Initial Simon	LAST Name Faithfull	
	RESIDENCE & CITIZENSHIP	City Normanton by Bottesford	State or Foreign Country United Kingdom		Country of Citizenship U.K.
	POST OFFICE ADDRESS	44 Main Street	City Normanton by Bottesford	State or Country U.K.	Zip Code NG 13 OEP
INVENTOR'S SIGNATURE _____ DATE _____					

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Attorney Docket Information
046,846-010

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201	FULL NAME OF INVENTOR	FIRST Name Denise	MIDDLE Initial R.	LAST Name Barbut	
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	POST OFFICE ADDRESS	70 East 77 th Street, 9C	City New York	State or Country NY	Zip Code 10021
INVENTOR'S SIGNATURE _____ DATE _____					

202	FULL NAME OF INVENTOR	FIRST Name Jean	MIDDLE Initial G.	LAST Name Riess	
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	POST OFFICE ADDRESS	Les Granines	City Falicon	State or Country France	Zip Code 06950
INVENTOR'S SIGNATURE <u>Jean Riess</u> DATE <u>26 Feb. 2004</u>					

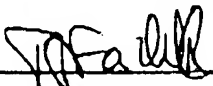
203	FULL NAME OF INVENTOR	FIRST Name N.	MIDDLE Initial Simon	LAST Name Faithfull	
	RESIDENCE & CITIZENSHIP	City Normanton by Bottesford	State or Foreign Country United Kingdom		Country of Citizenship U.K.
	POST OFFICE ADDRESS	44 Main Street	City Normanton by Bottesford	State or Country U.K.	Zip Code NG 13 OEP
INVENTOR'S SIGNATURE _____ DATE _____					

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201	FULL NAME OF INVENTOR	FIRST Name Denise	MIDDLE Initial R.	LAST Name Barbut	
	RESIDENCE & CITIZENSHIP	City New York	State or Foreign Country New York		Country of Citizenship USA
	POST OFFICE ADDRESS	70 East 77 th Street, 9C	City New York	State or Country NY	Zip Code 10021
INVENTOR'S SIGNATURE _____ DATE _____					

202	FULL NAME OF INVENTOR	FIRST Name Jean	MIDDLE Initial	LAST Name Rløss	
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	POST OFFICE ADDRESS	Les Glanines	City Falcon	State or Country France	Zip Code 08950
INVENTOR'S SIGNATURE _____ DATE _____					

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	RESIDENCE & CITIZENSHIP	City Normanton by Bottesford	State or Foreign Country United Kingdom		Country of Citizenship U.K.
	POST OFFICE ADDRESS	44 Main Street	City Normanton by Bottesford	State or Country U.K.	Zip Code NG 13 OEP
INVENTOR'S SIGNATURE <u></u> DATE <u>20/4/04</u>					

Patent US 205
Attorney Docket 046,846-010

**POWER OF ATTORNEY
By Assignee**

BENECOOL, INC., assignee(s) of the application for United States Letters Patent for an improvement in

TRANSPULMONARY SYSTEMIC COOLING USING LIQUID MISTS
by Barbut et al.,

the specification of which:

☒ is filed herewith, OR
☐ was filed on _____, having U.S. Patent Application Serial No. _____

does hereby appoint as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefor before any competent International Authorities in connection with any international patent application(s) corresponding to the above-identified application, all of the registered practitioners identified by Customer Number 34263:

34263
PATENT TRADEMARK OFFICE

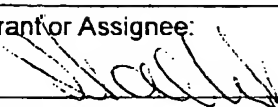
O'MELVENY & MYERS LLP
114 Pacifica, Suite 100
Irvine, CA 92618
(949) 737-2900

Please send all correspondence to the attention of John Kappos, at the above Customer Number, and direct all telephone calls to (949) 737-2900.

I, the undersigned, declare that I have reviewed copies of the documentary evidence establishing chain of title to the patent application identified above from the inventor(s) to the assignee(s), which:

☒ is filed for recordation herewith; or
☐ was recorded at Reel _____, Frame _____; or
☐ has been sent for recordation under separate cover, copy attached herewith.

To the best of the undersigned's knowledge and belief, title is in the assignee(s) identified above. Furthermore, the undersigned is empowered to sign this document on behalf of the assignee(s).

Full Name of Assignee: Benecool, Inc.	
Post Office Address: 70 East 77 th Street, 9C, New York, New York 10021	
Signature of Declarant or Assignee: 	Date: 2/26/04
Full Name of Declarant	
If Other Than Assignee: Denise R. Barbut	
Title of Declarant: President and Chief Executive Officer	
Address of Declarant: 70 East 77 th Street, New York, New York 10021	